



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
\_\_\_\_\_, Regional Director

\_\_\_\_\_, Region Headquarters  
\_\_\_\_\_, Street  
City, Wisconsin 5XXXX-5397  
Telephone XXX-275-3266  
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DATE

CONTACT NAME

COMPANY NAME

COMPANY ADDRESS

CITY, STATE ZIP CODE

Subject: Conditional Grant of Exemption for the Development of a Property Where Solid Waste  
has been Disposed

Dear CONTACT NAME:

We have received your request for a grant of exemption from regulation under Chapter NR 506.085 Wis. Adm. Code. Your request includes a certification that there is currently no soil or groundwater contamination in excess of applicable standards at this property and that the proposed development of the property will not result in a future exceedance of environmental standards or endanger public health and safety. Based on that certification, the Department is issuing this general grant of exemption from the prohibitions contained in Chapter NR 506.085 Wis. Adm. Code. You must comply with the conditions of this grant of exemption in order to maintain the exemption.

Please review the information contained in the publication *Fact Sheet C - Considerations for Development at Historic Fill Sites and Licensed Landfills* to assist you in preventing environmental or safety problems during and after development. We would like to particularly draw your attention to the public safety risk posed by the explosive potential for methane gas which may be present on a property due to the presence of decomposing solid waste.

If you have any questions concerning this letter, please contact STAFF at PHONE NUMBER.

Sincerely,

REGIONAL SUPERVISOR

REGION

cc: STAFF AUTHOR - REGION  
Paul Huebner /file copy- WA/3

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION  
FOR  
DEVELOPMENT ON A PROPERTY  
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. PROPERTY OWNER owns the property located at PROPERTY LOCATION, Wisconsin.
2. Solid waste has been disposed of at this property and remains at this property.
3. PROPERTY OWNER has submitted a request dated DATE for an exemption from the prohibition in NR 506.085, Wis. Adm. Code. The request includes a certification signed by a professional engineer or professional geologist relating to the proposed development and the environmental conditions at the property.
4. Based upon the certification provided to the Department, soil and groundwater standards are currently not exceeded and the proposed development at the property is not expected to cause future exceedances of soil and groundwater standards.
5. Additional documents considered in review of the exemption request include the following:
6. Additional facts relevant to the review of the grant of exemption modification request include the following:
7. If the conditions set forth below are complied with, the development of the property will not result in environmental pollution as defined in s.289.01(4), Stats.

CONCLUSIONS OF LAW

1. The Department has the authority under s. NR 500.08(4), Wis. Adm. Code to issue an exemption from the prohibition in s. NR 506.085, Wis. Adm. Code, if the proposed development will not cause environmental pollution as defined in s. 289.01(4), Stats.

2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of NR 500 to 538, Wis. Adm. Code, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of NR 500 to 538, Wis. Adm. Code, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under NR 500.08(4), Wis. Adm. Code to issue the following conditional grant of exemption.

#### CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption to PROPERTY OWNER from the prohibition in s. NR 506.085, Wis. Adm. Code for development on a property which contains solid waste as proposed in the submittal dated DATE, subject to the following conditions:

1. No action related to the development of the property may be taken which will cause a significant adverse impact on wetlands as provided in Chapter NR 103, Wis. Adm. Code.
2. No action related to the development of the property may be taken which will cause a significant adverse impact on critical habitat areas.
3. No action related to the development of the property may be taken which will cause a detrimental effect on any surface water.
4. No action related to the development of the property may be taken which will cause a detrimental effect on groundwater quality or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application as defined in ch. NR 140.
5. No action related to the development of the property may be taken which will cause a migration and concentration of explosive gases in any structures in excess of 25% of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the soils outside of the limits of solid waste disposal within 200 feet of the property boundary or beyond the property boundary in excess of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the air outside of the limits of solid waste disposal within 200 feet of the landfill boundary or beyond the landfill property boundary in excess of the lower explosive limit for such gases at any time.
6. No action related to the development of the property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.03.

7. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard as defined in ch. NR 720.
8. This exemption shall be null and void upon transfer of ownership or possession of the property subject to the exemption unless the transferee is provided with a copy of this exemption prior to the occurrence of the transfer.

The Department reserves the right to require the submittal of additional information and to modify this grant of exemption at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this grant of exemption do not supersede or replace any previous conditions of approval for this property.

#### NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to section 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: \_\_\_\_\_

DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

\_\_\_\_\_  
REGIONAL SUPERVISOR

REGION

\_\_\_\_\_  
STAFF NAME

STAFF TITLE

REGION